

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.*

*Legislative Council,  
10th August, 1877.*

[*Hon. D. Pollen.*]

# Misdemeanants and other Offenders Arrest.

## ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Constable may apprehend without warrant in cases of misdemeanour.</p> <p>3. Provisions of common law respecting the apprehension without warrant by constables in felonies to apply to apprehensions in misdemeanours.</p> <p>4. In offences punishable on summary conviction, and in cases of default in payment of moneys</p>	<p>recoverable summarily, and in cases under "Imprisonment for Debt Abolition Act 1874," copy of warrant or order may be transmitted by one Chief Officer of Police to another.</p> <p>5. Interpretation.</p> <p>6. How copy to be certified.</p> <p>7. Validity of copy legalized.</p> <p>8. Warrant or order need not be produced.</p> <p>9. Punishment for forging copy, certificate, &amp;c.</p>
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## A BILL INTITULED

**AN ACT** to alter the Law relating to the Apprehension and Arrest of Persons for Misdemeanours and other Offences. Title.

**BE IT ENACTED** by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- 1. The Short Title of this Act shall be "The Misdemeanants and other Offenders Arrest Act, 1877." Short Title.
- 2. It shall be lawful for any constable whatever to apprehend without warrant any person committing or who has committed or is suspected to have committed or is about to commit a misdemeanour, whether the same shall be a misdemeanour at common law or by statute, and to convey such person before a Justice of the Peace, to be dealt with according to law. Constable may apprehend without warrant in cases of misdemeanour.
- 3. The provisions of the common law respecting the apprehension without warrant by constables of persons committing or who have committed or are suspected to have committed or are about to commit a felony, shall apply to apprehensions made under the foregoing section. Provisions of common law respecting the apprehension without warrant by constables in felonies to apply to apprehensions in misdemeanours.
- 4. Whenever in offences punishable on summary conviction a warrant for the apprehension of the person charged with the offence so punishable, or a warrant or order for the committal of any person convicted of any such offence, shall have been issued, and in all cases where a warrant or order shall have been issued for the committal of any person for default in payment of any sum recoverable summarily before a Resident Magistrate otherwise than under "The Resident Magistrates Act, 1867," and in all cases where an order for

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the committal of any person under "The Imprisonment for Debt Abolition Act, 1874," shall have been issued, a copy of such warrant, or order by telegram or otherwise, may be transmitted by one Chief Officer of Police to another Chief Officer of Police.

Interpretation.

5. For the purposes of this Act— 5

- (1.) The expression "Resident Magistrate" shall include any Justice or Justices of the Peace, or Court of Petty Sessions under "The Justices of the Peace Act, 1866."
- (2.) The expression "Chief Officer of Police" shall mean and include the chief or only officer of police other than the Commissioner, or a Superintendent of Police residing in or stationed at the place where any such warrant or order shall be issued, or the place to which such copy shall be transmitted as aforesaid. 10

And wherever in this or the last preceding section reference is made to any Act, such reference shall include any Act amending such first-mentioned Act, or passed for like purposes. 15

How copy to be certified.

6. If such transmission be by telegram, then a copy of the warrant or order, bearing the certificate hereinafter mentioned, shall be presented at a telegraph station by the Chief Officer of Police transmitting the same, and the contents of such warrant, order, and certificate shall be thereupon transmitted by electric telegraph to the Chief Officer of Police named in the certificate. The Chief Officer to whom such transmission is made shall cause to be sent back by electric telegraph a copy of the message received by him; and in the event of any error appearing therein, the process shall be repeated until it shall appear that a true copy of such warrant, order, and certificate has been received by the Chief Officer to whom the same shall be sent. 20 25

In all other cases the copy transmitted shall have a certificate attached thereto as hereinafter mentioned. Every certificate hereinbefore required shall be as follows, or to the like effect:— 30

To (A.B.), Chief Officer of Police at .

The above is a true copy of the original warrant [or order, as the case may be] issued on the day of 18 .

C.D., 35

Chief Officer of Police at .

Validity of copy legalized.

7. Every copy so transmitted and certified shall be as valid to all intents and purposes as the original whereof it purports to be a copy would have been, and shall be admissible in evidence in any case in which the original would have been so admissible; and any Chief Officer of Police to whom the same shall be transmitted, and every other person to whom the same may be directed by such Chief Officer of Police, shall be authorized to apprehend or arrest any person named in such copy, and to do, perform, and execute all such matters and things, and shall subject such Chief Officer or other person to the same rights and duties in respect thereof, as if he had received such original warrant or order, and the same had been directed to him personally. 40 45

Warrant or order need not be produced.

8. It shall not be necessary, when a person is apprehended or arrested under the provisions of the last preceding section of this Act, to produce at the time of the apprehension or arrest the original warrant or order, or such certified copy as aforesaid, or any copy, or to deliver to the person apprehended or arrested, a copy of such original or certified copy, or that any person who apprehends or arrests shall have in his possession such original or certified copy as aforesaid, or any copy thereof respectively, when he apprehends or arrests. 50 55

Punishment for forging copy, certificate, &c.

9. Whosoever shall forge or fraudulently make or alter any such copy of a warrant or order, or any certificate as aforesaid, or any part thereof, or shall knowingly and unlawfully insert, or cause or

permit to be inserted, therein any false material matter, or shall  
 knowingly and unlawfully give any false certificate, or shall certify  
 any writing to be a true copy of a warrant or order, knowing such  
 writing or any part of such warrant or order whereof such copy shall  
 5 be so given to be false in any material particular, or shall forge the  
 signature of any Chief Officer of Police to any such certificate, or  
 shall send or transmit any such telegraph message, copy, certificate, or  
 signature, knowing the same to be false, forged, or altered, shall be  
 guilty of felony, and being convicted thereof shall be liable, at the  
 10 discretion of the Court, to be kept in penal servitude for not exceeding  
 seven years, or for any term not less than one year, or to be imprisoned  
 for any term not exceeding two years with or without hard labour.